

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:07CV232  
(1:04CR114)

JAMES HARVEY SMITH, )  
                          )  
Petitioner,           )  
                          )  
vs.                    )  
                          )  
UNITED STATES OF AMERICA, )  
                          )  
                          )  
Respondent.           )  
                          )  
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O R D E R

THIS MATTER is before the Court on the Petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 filed June 25, 2007.

After review of the motion, the Court finds the United States should file response to the issues raised therein.

IT IS, THEREFORE, ORDERED that the United States file answer to the petition filed herein on or before 60 days from service of this Order.

Signed: January 24, 2008



Lacy H. Thornburg  
United States District Judge

